

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBVIE INC.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 23-1332-MN (Consol.)
)	
AUROBINDO PHARMA USA, INC., and)	
AUROBINDO PHARMA LTD.,)	
)	
Defendants.)	
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ABBVIE INC.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-924-MN
)	
AUROBINDO PHARMA USA, INC., and)	
AUROBINDO PHARMA LTD.,)	
)	
Defendants.)	
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ABBVIE INC.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-1254-MN
)	
AUROBINDO PHARMA USA, INC., and)	
AUROBINDO PHARMA LTD.,)	
)	
Defendants.)	
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ABBVIE INC.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 25-422-MN
)	
AUROBINDO PHARMA USA, INC. and)	
AUROBINDO PHARMA LTD.,)	
)	
Defendants.)	

STIPULATION AND [PROPOSED] ORDER

The Court, upon the consent and request of Plaintiff AbbVie Inc. (“Plaintiff”) and Defendants Aurobindo Pharma USA, Inc. and Aurobindo Pharma Ltd. (collectively “Aurobindo Defendants”), hereby acknowledges the following Stipulation and issues the following Order in the above-captioned actions.

STIPULATION

1. This Court has subject matter jurisdiction over these patent infringement actions (the “Actions”) and personal jurisdiction over Plaintiff and the Aurobindo Defendants for purposes of the Actions.

2. Venue is proper in this Court as to Plaintiff and the Aurobindo Defendants for the Actions.

3. Plaintiff has asserted claims against the Aurobindo Defendants for infringement of U.S. Patent Nos. 9,951,080, 10,981,923, 11,186,584, 11,661,425, 11,680,069, 11,718,627, 11,198,697, 9,963,459, 10,344,036, 10,519,164, 10,730,883, 10,981,924, 10,597,400, 11,535,624, 10,995,095, 10,550,126, 11,535,625, 11,535,626, 11,365,198, 11,512,092, 11,524,964, 11,767,326, 11,773,105, 11,773,106, 11,780,847, 11,780,848, 11,787,815, 11,795,175, 9,879,018, 11,976,077, 11,993,605, 11,993,606, 12,077,545, 12,103,933, 12,110,297, 12,116,373, 12,110,298, and RE47,221 (together, “the Asserted Patents”) in connection with the Aurobindo Defendants’ submission of Abbreviated New Drug Application (“ANDA”) No. 218866 directed to generic upadacitinib extended release tablet products (15 mg and 30 mg) to the U.S. Food and Drug Administration (“FDA”).

4. The Aurobindo Defendants admit that the Asserted Patents are enforceable, valid, and would be infringed by the commercial manufacture, use, and/or sale within the United

States of the generic upadacitinib extended release tablet products (15 mg and 30 mg) that are the subject of the Aurobindo Defendants' ANDA No. 218866.

5. The Aurobindo Defendants admit that the submission of ANDA No. 218866 to the FDA for purposes of obtaining regulatory approval to engage in the commercial manufacture, use, and/or sale within the United States of generic upadacitinib extended release tablet products (15 mg and 30 mg) was an act of infringement of the Asserted Patents under 35 U.S.C. § 271(e)(2)(A).

6. The parties agree that all other claims, counterclaims, and defenses asserted against each other in Plaintiff's and Aurobindo Defendants' pleadings in the Actions, including the allegations and averments contained therein, should be dismissed, without prejudice.

ORDER

Accordingly, pursuant to the above Stipulation, and upon the consent and request of Plaintiff and the Aurobindo Defendants, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The filing of ANDA No. 218866 was an act of infringement of the Asserted Patents under 35 U.S.C. § 271(e)(2)(A).

2. All other claims, counterclaims, and defenses asserted by the parties against each other in Plaintiff's and Aurobindo Defendants' pleadings in the Actions, including the allegations and averments contained therein are hereby dismissed, without prejudice.

3. The Aurobindo Defendants, their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering to sell, or selling within the United States, or importing into the

United States, the generic upadacitinib extended release tablet products (15 mg and 30 mg) described by ANDA No. 218866 during the life of the Asserted Patents, including any extensions and pediatric exclusivities thereof, absent a license agreement or other authorization by Plaintiff.

4. Plaintiff and the Aurobindo Defendants each expressly waive any right to appeal or otherwise move for relief from this Stipulation And Order.

5. This Court retains jurisdiction over Plaintiff and the Aurobindo Defendants for purposes of enforcing this Stipulation And Order.

6. This Stipulation And Order shall finally resolve the Actions between the Parties.

7. This Stipulation And Order is without prejudice to any claim, defense, or counterclaim in any possible future actions between the Aurobindo Defendants and Plaintiff regarding the Asserted Patents and a product other than generic upadacitinib extended release tablet products (15 mg and 30 mg) described by ANDA No. 218866.

8. The Clerk of the Court is directed to enter this Stipulation And Order forthwith in the Actions.

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*Attorneys for Defendants Aurobindo Pharma
USA, Inc. and Aurobindo Pharma Ltd.*

September 11, 2025

SO ORDERED:

This _____ day of _____, 2025

HONORABLE MARYELLEN NOREIKA
UNITED STATES DISTRICT JUDGE